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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VERONICA LEE SIMMS,

Plaintiff,

vs.

NANCY A. BERRYHILL,

Acting Commissioner of Social Security,

Defendant.

Case no. 4:18-cv-05034-HSG

**STIPULATION AND ~~PROPOSED~~
ORDER FOR REMAND
PURSUANT TO SENTENCE
FOUR OF 42 U.S.C. § 405(g)**

IT IS HEREBY STIPULATED, by and between plaintiff Veronica Lee Simms (Plaintiff) and Nancy A. Berryhill, Acting Commissioner of Social Security (the Commissioner or Defendant), through their respective counsel of record, and with the approval of the Court, that this action be remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, the Appeals Council will vacate the dismissal of Plaintiff's request for review of the Commissioner's denial of her application for benefits and reevaluate whether she established good cause for the untimely filing of her request for review. The Appeals Council shall consider all relevant evidence submitted by Plaintiff to the Appeals Council in determining whether good cause for late filing

Stipulation

No. 4:18-cv-05034-HSG

exists. If the Appeals Council determines that Plaintiff has established good cause, the Appeals Council will consider Plaintiff's request for review on the merits.

The parties further request that the Clerk of the Court be directed to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

Respectfully submitted,

Dated: November 13, 2018

BAY AREA LEGAL AID

By: /s/ Deep Kaur Jodhka*
DEEP KAUR JODHKA
Attorneys for Plaintiff
[*As authorized by email on Nov. 8, 2018]

Dated: November 13, 2018


ALEX G. TSE
Acting United States Attorney

By: /s/ Margaret Branick-Abilla
MARGARET BRANICK-ABILLA
Special Assistant United States Attorney
Attorneys for Defendant

~~PROPOSED~~ ORDER

Pursuant to stipulation, IT IS SO ORDERED. The clerk is directed to enter judgment, remand the case to the Appeals Council and close the case.

Dated: 12/13/2018


HON. HAYWOOD S. GILLIAM, JR.
United States District Judge